

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Examiner:

K. Roger Aoki et al.

Anish Gupta

Serial No.: 10/726,904

Group Art Unit: 1654

Filed: December 2, 2003

Confirmation No. 4172

For: **USE OF THE NEUROTOXIC COMPONENT OF A BOTULINUM TOXIN
FOR TREATING A SPASTIC MUSCLE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE COMMUNICATION

**In response to the September 11, 2007 office communication
applicants amend claims 1, 5 and 29 and cancels claims 31-45,
48-61 and 64-77.**

The September 11, 2007 office communication (the "Communication") in this application asked applicants to amend the claims back to a method for treating strabismus.

Applicants have so amended the claims. Applicants hereby cancel claims 31-45, 48-61 and 64-77 without prejudice to further prosecution at a later date.

The undersigned spoke to examiner Gupta by telephone on September 18, 2007 regarding the Communication and it was agreed that the amendments made to the claims by Applicants June 4, 2007 "Interview Summary and Amended Claims" (that is addition to all claims of the limitation "a molecular weight of about 150 kilodaltons") need not be removed from the claims in order to comply with the Communication and for prosecution of this application to continue as discussed at the May 23, 2007 examiner interview.

Dated: September 25, 2007

Respectfully submitted,
/STEPHEN DONOVAN/

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Registration Number 33,433

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